IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1683 of 2007(L)

Crime No.22/07 of Kannamali Police Station

: PETITIONER/ACCUSED NO.3

LESTINE, S/O. C.J.XAVIER,
AGED 24 YEARS, CHANAYIL HOUSE, MUNDAMVELI,
KOCHI.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS: STATE AND COMPLAINANT
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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KANNAMALI POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1683 OF 2007 A

Dated this the 21st day of March, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.22/07 of Kannamali Police Station for an offence punishable under section 295 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the weapon of offence has not been recovered.

3. The case of the prosecution is that at about 10.30 p.m. on 22.5.2006 accused Nos.1 and 2 are alleged to have smashed the glass panes of the shrine of Saint Joseph and Mother Theresa installed in the chapel of St.Joseph Church, Cheriyakadavu and defiled the said Holly place.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Investigating Officer for the purpose of interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 27.3.2007 and 29.3.2007 for the purpose of interrogation and recovery of incriminating materials, if

any. The petitioner shall, thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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